

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and  
STEINER ASSOCIATES LLC,

Plaintiffs,

vs.

EBAY INC., et al.,

Defendants.

No. 21-CV-11181-PBS

**DEFENDANT COOKE’S ANSWER AND AFFIRMATIVE DEFENSES**

Defendant Philip Cooke (“Mr. Cooke”), by and through his undersigned counsel, hereby submits the following Answer and Affirmative Defenses to the Amended Complaint in this action filed by Plaintiffs Ina Steiner, David Steiner, and Steiner Associates LLC (the “Plaintiffs”). By way of general response, all allegations are denied unless specifically admitted, and any factual averment admitted is admitted only as to the specific facts and not as to any conclusions, characterizations, implications, or speculations that are contained in the averment or in the Amended Complaint as a whole. This preliminary statement is incorporated, to the extent appropriate, into each numbered paragraph of the Answer.

1. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Amended Complaint.
2. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Amended Complaint.
3. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Amended Complaint.

4. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Amended Complaint.

5. Mr. Cooke admits that deliveries and Twitter messages were sent to Plaintiffs but denies prior knowledge or approval of deliveries or specific messages. Mr. Cooke denies the remaining allegations in Paragraph 5.

6. Mr. Cooke admits that co-defendants, not including Mr. Cooke, traveled to Natick to surveil Plaintiffs. Mr. Cooke denies the remaining allegations in Paragraph 6.

7. Mr. Cooke admits that co-defendants, not including Mr. Cooke, traveled to Natick to surveil the Plaintiffs and attempted to install a GPS device on their vehicle. Mr. Cooke denies the remaining allegations in Paragraph 7 of the Amended Complaint.

8. Mr. Cooke admits tweets were sent to Plaintiffs and their address was publicly posted online but denies prior knowledge or approval of those specific tweets or public posts. Further answering, Mr. Cooke denies the remaining allegations in Paragraph 8 of the Amended Complaint.

9. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Amended Complaint.

10. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Amended Complaint. Further answering, Mr. Cooke admits that he received text messages that Plaintiffs were “seeing ghosts” and were “impacted by this op.”

11. Mr. Cooke admits attempts were made to prevent the Natick Police Department from learning about the harassment campaign. Further answering, Mr. Cooke lacks knowledge or

information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 11 of the Amended Complaint.

12. Mr. Cooke states that the transcript from his change of plea hearing is a public document that speaks for itself. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 of the Amended Complaint.

13. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 of the Amended Complaint.

14. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Amended Complaint.

15. The allegations in Paragraph 15 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Amended Complaint.

16. The allegations in Paragraph 16 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of the Amended Complaint.

17. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 of the Amended Complaint.

18. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 of the Amended Complaint.

### **JURISDICTION AND VENUE**

19. The allegations in Paragraph 19 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke admits that he is a resident of California.

20. The allegations in Paragraph 20 call for a legal conclusion to which no response is required.

21. The allegations in Paragraph 21 call for a legal conclusion to which no response is required.

22. The allegations in Paragraph 22 call for a legal conclusion to which no response is required.

### **THE PARTIES**

23. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 of the Amended Complaint.

24. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Amended Complaint.

25. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 of the Amended Complaint.

26. Mr. Cooke admits eBay is a multinational ecommerce corporation. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 26 of the Amended Complaint.

27. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 of the Amended Complaint.

28. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 of the Amended Complaint.

29. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 of the Amended Complaint.

30. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 of the Amended Complaint.

31. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 of the Amended Complaint.

32. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 of the Amended Complaint.

33. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 of the Amended Complaint.

34. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 of the Amended Complaint.

35. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 of the Amended Complaint.

36. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 of the Amended Complaint.

37. Mr. Cooke admits he is an individual who resides in San Jose, California. Further answering, Mr. Cooke states that the transcript from his change of plea hearing is a public document that speaks for itself. Mr. Cooke further admits he was hired by eBay in April 2019 and was responsible for safety at eBay's buildings in Europe, the Middle East, Asia, and its global operations center in Austin, TX. Mr. Cooke admits he previously worked for Progressive Force Concepts from 2018 to 2019. Mr. Cooke admits he is a former Captain of the Santa Clara Police Department. Mr. Cooke admits he was promoted to Director at eBay in June 2020.

38. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 of the Amended Complaint.

39. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 of the Amended Complaint.

40. Mr. Cooke admits he was employed by eBay in a security operations role and took instructions, both directly and indirectly, from his superiors at eBay. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 40 of the Amended Complaint.

41. The allegations in Paragraph 41 call for a legal conclusion to which no response is required.

#### **THE FACTS**

42. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 of the Amended Complaint.

43. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 of the Amended Complaint.

44. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 of the Amended Complaint.

45. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 of the Amended Complaint.

46. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 of the Amended Complaint.

47. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 of the Amended Complaint.

48. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 of the Amended Complaint.

49. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 of the Amended Complaint.

50. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 of the Amended Complaint.

51. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51 of the Amended Complaint.

52. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 of the Amended Complaint.

53. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 of the Amended Complaint.

54. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 of the Amended Complaint.

55. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 of the Amended Complaint.

56. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 of the Amended Complaint.

57. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 of the Amended Complaint.

58. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 of the Amended Complaint.

59. Mr. Coke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 of the Amended Complaint.

60. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60 of the Amended Complaint.

61. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 of the Amended Complaint.

62. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 of the Amended Complaint.

63. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 of the Amended Complaint.

64. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 of the Amended Complaint.

65. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 of the Amended Complaint.

66. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 of the Amended Complaint.

67. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 of the Amended Complaint.

68. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 of the Amended Complaint.

69. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69 of the Amended Complaint.



70. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70 of the Amended Complaint.

71. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 of the Amended Complaint.

72. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72 of the Amended Complaint.

73. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73 of the Amended Complaint.

74. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74 of the Amended Complaint.

75. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75 of the Amended Complaint.

76. Mr. Cooke denies the allegations in Paragraph 76.

77. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77 of the Amended Complaint.

78. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 of the Amended Complaint.

79. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79 of the Amended Complaint.

80. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80 of the Amended Complaint.

81. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81 of the Amended Complaint.

82. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82 of the Amended Complaint.

83. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83 of the Amended Complaint.

84. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 of the Amended Complaint. Further answering, Mr. Cooke states that the transcript from his change of plea hearing is a public document that speaks for itself.

85. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85 of the Amended Complaint.

86. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86 of the Amended Complaint.

87. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87 of the Amended Complaint.

88. Mr. Cooke denies the allegations in Paragraph 88 of the Amended Complaint.

89. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 of the Amended Complaint.

90. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90 of the Amended Complaint.

91. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91 of the Amended Complaint.

92. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92 of the Amended Complaint.

93. Mr. Cooke admits he attended a meeting with Mr. Baugh, Ms. Popp, and Mr. Gilbert on August 6, 2019 and at all times was acting within the scope of his employment at eBay. Mr. Cooke denies the remaining allegations in Paragraph 93.

94. Mr. Cooke denies the allegations in Paragraph 94.

95. Mr. Cooke admits he attended a meeting with Mr. Baugh, Ms. Popp, and Mr. Gilbert on August 6, 2019 and at all times was acting within the scope of his employment at eBay, but denies agreeing that threatening packages should be sent to Plaintiffs. Further answering, Mr. Cooke denies the remaining allegations in Paragraph 95.

96. Mr. Cooke admits he attended a meeting with Mr. Baugh, Ms. Popp, and Mr. Gilbert on August 6, 2019 and at all times was acting within the scope of his employment at eBay. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 96 of the Amended Complaint

97. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 of the Amended Complaint.

98. Mr. Cooke admits he attended a meeting with Mr. Baugh, Ms. Popp, and Mr. Gilbert on August 6, 2019, but denies prior knowledge or approval of specific messages sent to Plaintiffs.

99. Mr. Cooke admits he attended a meeting with Mr. Baugh, Ms. Popp, and Mr. Gilbert on August 6, 2019. Mr. Cooke denies the remaining allegations in Paragraph 99.

100. The allegations in Paragraph 100 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 100 of the Amended Complaint.

101. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101 of the Amended Complaint.

102. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 of the Amended Complaint.

103. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103 of the Amended Complaint.

104. Mr. Cooke admits tweets and direct Twitter messages were sent to Plaintiffs but denies approving those tweets or messages. Further answering, Mr. Cooke denies the remaining allegations in Paragraph 104.

105. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105 of the Amended Complaint.

106. Mr. Cooke admits tweets were sent to Plaintiffs but denies approving any of those tweets.

107. Mr. Cooke admits tweets were sent to Plaintiffs but denies approving any of those tweets.

108. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108 of the Amended Complaint.

109. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109 of the Amended Complaint.

110. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110 of the Amended Complaint.

111. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111 of the Amended Complaint.

112. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112 of the Amended Complaint.

113. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113 of the Amended Complaint.

114. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114 of the Amended Complaint.

115. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115 of the Amended Complaint.

116. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116 of the Amended Complaint.

117. Mr. Cooke admits tweets were sent to Plaintiffs but denies approving any of those tweets.

118. Mr. Cooke admits tweets were sent to Plaintiffs but denies approving any of those tweets.

119. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119 of the Amended Complaint.

120. Mr. Cooke admits tweets were sent to Plaintiffs but denies approving any of those tweets.

121. Mr. Cooke admits a fetal pig was sent to Plaintiffs but denies any prior knowledge or approval of the delivery.

122. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122 of the Amended Complaint.

123. Mr. Cooke admits a pig mask was sent to Plaintiffs but denies any prior knowledge or approval of the delivery. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123 of the Amended Complaint.

124. Mr. Cooke admits tweets were sent to Plaintiffs but denies approving any of those tweets.

125. Mr. Cooke admits tweets were sent to Plaintiffs but denies approving any of those tweets.

126. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126 of the Amended Complaint. Further answering, the allegations in Paragraph 126 call for a legal conclusion to which no response is required.

127. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127 of the Amended Complaint.

128. Mr. Cooke admits tweets were sent to Plaintiffs but denies approving any of the tweets.

129. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129 of the Amended Complaint.

130. Mr. Cooke admits deliveries were sent to Plaintiffs but denies prior knowledge or approval of the deliveries.

131. Mr. Cooke admits tweets were sent to Plaintiffs but denies approving any of the specific tweets.

132. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132 of the Amended Complaint.

133. Mr. Cooke admits live insects were sent to Plaintiffs but denies prior knowledge or approval of the deliveries. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 133 of the Amended Complaint.

134. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 134 of the Amended Complaint.

135. The allegations in Paragraph 135 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke denies the allegations in Paragraph 135.

136. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136 of the Amended Complaint. Further answering, the allegations in Paragraph 136 call for a legal conclusion to which no response is required.

137. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 137 of the Amended Complaint.

138. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 138 of the Amended Complaint.

139. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 139 of the Amended Complaint.

140. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 140 of the Amended Complaint.

141. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141 of the Amended Complaint.

142. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 142 of the Amended Complaint.

143. Mr. Cooke admits that co-defendants, not including Mr. Cooke, traveled to Natick to surveil Plaintiffs. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143 of the Amended Complaint.

144. Mr. Cooke admits deliveries and Twitter messages were sent to Plaintiffs but denies agreeing that deliveries and specific Twitter messages should be sent to Plaintiffs. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 144.

145. Mr. Cooke admits a funeral wreath was sent to Plaintiffs but denies prior knowledge or approval of the delivery. Mr. Cooke denies the remaining allegations in Paragraph 145.

146. Mr. Cooke admits deliveries were sent to Plaintiffs but denies prior knowledge or approval of the deliveries. Further answering, Mr. Cooke denies the remaining allegations in Paragraph 146.

147. Mr. Cooke admits that co-defendants, not including Mr. Cooke, traveled to Natick. Mr. Cooke denies the remaining allegations in Paragraph 147.

148. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 148.

149. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 149.

150. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 150.

151. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 151.



152. Mr. Cooke admits co-defendants, not including Mr. Cooke, traveled to Natick. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152.

153. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153.

154. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 154.

155. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 155.

156. The allegations in Paragraph 156 call for a legal conclusion to which no response is required.

157. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 157.

158. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 158.

159. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 159.

160. Mr. Cooke admits deliveries and Twitter messages were sent to Plaintiffs but denies prior knowledge or approval of deliveries and specific messages sent to Plaintiffs. Mr. Cooke admits that co-defendants, not including Mr. Cooke, traveled to Natick to surveil Plaintiffs. Further answering, the allegations in Paragraph 160 call for a legal conclusion to which no response is required.

161. The allegations in Paragraph 161 call for a legal conclusion to which no response is required.

162. The allegations in Paragraph 162 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke denies the allegations in Paragraph 162.

163. Mr. Cooke denies he provided names to Mr. Baugh. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 163.

164. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 164.

165. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 165.

166. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 166.

167. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 167.

168. The allegations in Paragraph 168 call for a legal conclusion to which no response is required.

169. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 169.

170. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 170.

171. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171.

172. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 172.

173. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 173.

174. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 174.

175. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 175.

176. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 176.

177. Mr. Cooke admits Plaintiff Ina and David Steiner's home address was publicly posted online but denies prior knowledge or approval of the public posting. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 177.

178. Mr. Cooke admits a Craigslist post was published including Plaintiff Ina and David Steiner's home address but denies prior knowledge or approval of the posting. Further answering, the allegations in Paragraph 178 call for a legal conclusion to which no response is required.

179. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 179.

180. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 180. Further answering, Mr. Cooke denies the allegations in Paragraph 180.

181. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 181.

182. Mr. Cooke admits a Craigslist post was published inviting the public for an estate sale at Plaintiff Ina and David Steiner's home address but denies prior knowledge or approval of the posting.

183. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 183.

184. The allegations in Paragraph 184 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke denies the allegations in Paragraph 184.

185. The allegations in Paragraph 185 call for a legal conclusion to which no response is required.

186. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 186.

187. Mr. Cooke admits tweets and Twitter messages were sent to Plaintiffs but denies prior knowledge or approval of the specific tweets and messages. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 187.

188. The allegations in Paragraph 188 call for a legal conclusion to which no response is required.

189. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 189.

190. Mr. Cooke admits he exchanged messages with Mr. Baugh. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 190.

191. Mr. Cooke admits deliveries were sent to Plaintiffs but denies prior knowledge or approval of the deliveries. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 191.

192. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 192.

193. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 193.

194. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 194.

195. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 195. Further answering, Mr. Cooke denies any Twitter accounts were created at his direction.

196. Mr. Cooke admits tweets were sent to Plaintiffs but denies prior knowledge or approval of the specific tweets. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 196.

197. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 197.

198. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 198.

199. Mr. Cooke admits tweets were sent to Plaintiffs but denies prior knowledge or approval of the specific tweets. Further answering, Mr. Cooke denies the remaining allegations in Paragraph 199.

200. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 200.

201. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 201.

202. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 202.

203. The allegations in Paragraph 203 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke denies the allegations in Paragraph 203.

204. Mr. Cooke admits tweets and deliveries were sent to Plaintiffs but denies prior knowledge or approval of the specific tweets and deliveries. Mr. Cooke denies the remaining allegations in Paragraph 204.

205. Mr. Cooke denies that he had any prior knowledge or approval of deliveries sent to Plaintiffs. Further answering, Mr. Cooke denies the remaining allegations in Paragraph 205.

206. The allegations in Paragraph 206 call for a legal conclusion to which no response is required.

207. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 207.

208. Mr. Cooke denies the allegations in Paragraph 208. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 208.

209. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 209.

210. The allegations in Paragraph 210 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 210.

211. The allegations in Paragraph 211 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 211.

212. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 212.

213. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 213.

214. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 214. Further answering, at all times Mr. Cooke was acting within the scope of his employment at eBay.

215. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 215.

216. The allegations in Paragraph 216 call for a legal conclusion to which no response is required.

217. The allegations in Paragraph 217 call for a legal conclusion to which no response is required.

218. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 218.

219. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 219.

220. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 220.

221. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 221.

222. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 222.

223. Mr. Cooke denies the allegations in Paragraph 223. Further answering, he lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 223.

224. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 224.

225. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 225.

226. The allegations in Paragraph 226 call for a legal conclusion to which no response is required.

227. The allegations in Paragraph 227 call for a legal conclusion to which no response is required.

228. The allegations in Paragraph 228 call for a legal conclusion to which no response is required.

229. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 229.



230. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 230. Further answering, the allegations in Paragraph 230 call for a legal conclusion to which no response is required.

231. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 231. Further answering, the allegations in Paragraph 231 call for a legal conclusion to which no response is required.

232. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 232. Further answering, the allegations in Paragraph 232 call for a legal conclusion to which no response is required.

233. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 233.

234. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 234.

235. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 235.

236. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 236.

237. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 237.

238. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 238.

239. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 239.

240. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 240.

241. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 241.

242. Mr. Cooke admits he exchanged messages with Mr. Gilbert regarding his meeting with the Natick Police Department. Mr. Cooke denies the remaining allegations in Paragraph 242.

243. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 243.

244. The allegations in Paragraph 244 call for a legal conclusion to which no response is required.

245. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 245.

246. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 246.

247. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 247.

248. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 248.

249. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 249.

250. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 250.

251. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 251.

252. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 252.

253. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 253.

254. Mr. Cooke admits he exchanged messages with Mr. Gilbert after Mr. Gilbert's meeting with Natick Police. Further answering, Mr. Cooke denies the remaining allegations in Paragraph 254.

255. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 255.

256. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 256.

257. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 257.

258. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 258.

259. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 259.

260. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 260.

261. Mr. Cooke admits tweets were sent to Plaintiffs but denies prior knowledge or approval of those specific tweets. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 261.

262. The allegations in Paragraph 262 call for a legal conclusion to which no response is required.

263. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 263.

264. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 264.

265. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 265.

266. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 266.

267. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 267.

268. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 268.

269. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 269.

270. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 270.

271. Mr. Cooke denies that he participated in a meeting on August 26, 2019. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 271.

272. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 272.

273. Mr. Cooke denies the allegations in Paragraph 273.

274. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 274.

275. Mr. Cooke denies the allegations in Paragraph 275.

276. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 276.

277. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 277.

278. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 278.

279. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 279.

280. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 280.

281. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 281.

282. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 282.

283. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 283.

284. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 284.

285. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 285.

286. Mr. Cooke admits he was promoted to Director in 2020 and terminated in June 2020. Mr. Cooke further admits he was interviewed by the U.S. Attorneys' Office for the District of Massachusetts. Public documents reflect the charges against Mr. Cooke.

287. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 287.

288. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 288.

289. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 289.

290. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 290.

291. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 291.

292. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 292.

293. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 293.

294. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 294.

295. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 295.

296. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 296.

297. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 297.

298. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 298.

299. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 299.

300. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 300.

301. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 301.

302. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 302.

303. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 303.

304. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 304.

305. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 305.

306. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 306. Further answering, allegations in Paragraph 306 call for a legal conclusion to which no response is required.

307. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 307.

308. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 308.

309. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 309.

310. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 310.

311. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 311.

312. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 312.

313. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 313. Further answering, allegations in Paragraph 313 call for a legal conclusion to which no response is required.

314. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 314.



315. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 315.

316. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 316.

317. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 317.

318. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 318.

319. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 319.

320. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 320.

321. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 321.

322. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 322.

323. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 323.

324. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 324. Further answering, the allegations in Paragraph 324 call for a legal conclusion to which no response is required.

325. The allegations in Paragraph 325 call for a legal conclusion to which no response is required.

326. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 326.

327. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 327.

328. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 328.

329. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 329.

330. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 330.

331. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 331.

332. The allegations in Paragraph 332 call for a legal conclusion to which no response is required.

333. The allegations in Paragraph 333 call for a legal conclusion to which no response is required.

334. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 334. Further answering, the allegations in Paragraph 334 call for a legal conclusion to which no response is required.

335. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 335.

336. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 336.

337. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 337.

338. The allegations in Paragraph 338 call for a legal conclusion to which no response is required.

339. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 339.

340. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 340.

341. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 341.

342. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 342.

343. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 343.

344. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 344.

345. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 345.

346. Mr. Cooke admits he previously worked for Progressive Force Concepts. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 346.

347. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 347.

348. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 348.

349. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 349.

350. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 350.

351. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 351.

352. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 352.

353. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 353.

354. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 354. Further answering, the allegations in Paragraph 354 call for a legal conclusion to which no response is required.

355. The allegations in Paragraph 355 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 355.

356. The allegations in Paragraph 356 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 356.

357. The allegations in Paragraph 357 call for a legal conclusion to which no response is required.

358. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 358.

359. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 359.

360. The allegations in Paragraph 360 call for a legal conclusion to which no response is required.

361. The allegations in Paragraph 361 call for a legal conclusion to which no response is required.

362. Mr. Cooke states that the publicly filed charging documents speak for themselves.

363. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 363.

364. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 364.

365. Mr. Cooke states that the publicly filed charging documents speak for themselves.

366. Mr. Cooke states that the publicly filed charging documents speak for themselves.

367. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 367.

368. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 368.

369. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 369.

370. Mr. Cooke states that the public dockets in the criminal cases speak for themselves.

371. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 371.

372. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 372.

373. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 373.

374. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 374.

375. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 375.

376. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 376.

377. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 377.

378. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 378.

379. Mr. Cooke denies the allegations in Paragraph 379.

380. Mr. Cooke denies the allegations in Paragraph 380. Further answering, the allegations in Paragraph 380 call for a legal conclusion to which no response is required.

381. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 381. Further answering, the allegations in Paragraph 381 call for a legal conclusion to which no response is required.

382. The allegations in Paragraph 382 call for a legal conclusion to which no response is required.

383. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 383.

384. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 384.

385. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 385.

386. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 386.

387. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 387.

388. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 388.

389. The allegations in Paragraph 389 call for a legal conclusion to which no response is required.

390. The allegations in Paragraph 390 call for a legal conclusion to which no response is required.

391. The allegations in Paragraph 391 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 391.

392. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 392.

393. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 393.

394. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 394.

395. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 395.

396. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 396.

397. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 397.

398. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 398.

399. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 399.

400. The allegations in Paragraph 400 call for a legal conclusion to which no response is required.

401. The allegations in Paragraph 401 call for a legal conclusion to which no response is required.

402. The allegations in Paragraph 402 call for a legal conclusion to which no response is required.

403. The allegations in Paragraph 403 call for a legal conclusion to which no response is required.



404. The allegations in Paragraph 404 call for a legal conclusion to which no response is required.

405. The allegations in Paragraph 405 call for a legal conclusion to which no response is required.

## **CAUSES OF ACTION**

### **COUNT I: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

406. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

407. The allegations in Paragraph 407 call for a legal conclusion to which no response is required.

408. The allegations in Paragraph 408 call for a legal conclusion to which no response is required.

409. The allegations in Paragraph 409 call for a legal conclusion to which no response is required.

410. The allegations in Paragraph 410 call for a legal conclusion to which no response is required.

411. The allegations in Paragraph 411 call for a legal conclusion to which no response is required.

412. The allegations in Paragraph 412 call for a legal conclusion to which no response is required.

413. The allegations in Paragraph 413 call for a legal conclusion to which no response is required.

414. The allegations in Paragraph 414 call for a legal conclusion to which no response is required.

415. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 415 of the Amended Complaint. Further answering, the allegations in Paragraph 415 call for a legal conclusion to which no response is required.

416. The allegations in Paragraph 416 call for a legal conclusion to which no response is required.

417. The allegations in Paragraph 417 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke denies the allegations in Paragraph 417.

418. The allegations in Paragraph 418 call for a legal conclusion to which no response is required.

## **COUNT II: STALKING**

419. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

420. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

421. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

422. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

423. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

424. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

425. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

426. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

427. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

428. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

429. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

430. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

### **COUNT III: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

431. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

432. The allegations in Paragraph 432 call for a legal conclusion to which no response is required.

433. The allegations in Paragraph 433 call for a legal conclusion to which no response is required.

434. The allegations in Paragraph 434 call for a legal conclusion to which no response is required.

435. The allegations in Paragraph 435 call for a legal conclusion to which no response is required.

436. The allegations in Paragraph 436 call for a legal conclusion to which no response is required.

437. The allegations in Paragraph 437 call for a legal conclusion to which no response is required.

438. The allegations in Paragraph 438 call for a legal conclusion to which no response is required.

#### **COUNT IV: NEGLIGENCE**

439. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

440. The allegations in Paragraph 440 call for a legal conclusion to which no response is required.

441. The allegations in Paragraph 441 call for a legal conclusion to which no response is required.

442. The allegations in Paragraph 442 call for a legal conclusion to which no response is required.

443. The allegations in Paragraph 443 call for a legal conclusion to which no response is required.

444. The allegations in Paragraph 444 call for a legal conclusion to which no response is required.

#### **COUNT V: NEGLIGENT HIRING**

445. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

446. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 446 of the Amended Complaint. Further answering, the allegations in Paragraph 446 call for a legal conclusion to which no response is required

447. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 447 of the Amended Complaint. Further answering, the allegations in Paragraph 447 call for a legal conclusion to which no response is required

448. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 448 of the Amended Complaint. Further answering, the allegations in Paragraph 448 call for a legal conclusion to which no response is required

449. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 449 of the Amended Complaint. Further answering, the allegations in Paragraph 449 call for a legal conclusion to which no response is required

450. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 450 of the Amended Complaint. Further answering, the allegations in Paragraph 450 call for a legal conclusion to which no response is required

451. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 451 of the Amended Complaint. Further answering, the allegations in Paragraph 451 call for a legal conclusion to which no response is required

452. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 452 of the Amended Complaint. Further answering, the allegations in Paragraph 452 call for a legal conclusion to which no response is required

453. The allegations in Paragraph 453 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke denies the allegations in Paragraph 453.

**COUNT VI: NEGLIGENT SUPERVISION**

454. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

455. The Further answering, the allegations in Paragraph 455 call for a legal conclusion to which no response is required.

456. The allegations in Paragraph 456 call for a legal conclusion to which no response is required.

457. The allegations in Paragraph 457 call for a legal conclusion to which no response is required.

458. The allegations in Paragraph 458 call for a legal conclusion to which no response is required.

459. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 459 of the Amended Complaint.

460. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 460 of the Amended Complaint.

461. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 461 of the Amended Complaint.

462. The allegations in Paragraph 462 call for a legal conclusion to which no response is required.

463. The allegations in Paragraph 463 call for a legal conclusion to which no response is required.

464. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 464 of the Amended Complaint.

465. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 465 of the Amended Complaint.

466. The allegations in Paragraph 466 call for a legal conclusion to which no response is required.

467. The allegations in Paragraph 467 call for a legal conclusion to which no response is required.

468. The allegations in Paragraph 468 call for a legal conclusion to which no response is required.

469. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 469 of the Amended Complaint.

470. The allegations in Paragraph 470 call for a legal conclusion to which no response is required.

471. The allegations in Paragraph 471 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke denies the allegations in Paragraph 471.

#### **COUNT VII: NEGLIGENT RETENTION**

472. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

473. The allegations in Paragraph 473 call for a legal conclusion to which no response is required.

474. The allegations in Paragraph 474 call for a legal conclusion to which no response is required.

475. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 475 of the Amended Complaint.

476. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 476 of the Amended Complaint.

477. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 477 of the Amended Complaint.

478. The allegations in Paragraph 478 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 478 of the Amended Complaint.

479. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 479 of the Amended Complaint.

480. The allegations in Paragraph 480 call for a legal conclusion to which no response is required.

481. The allegations in Paragraph 481 call for a legal conclusion to which no response is required.

482. The allegations in Paragraph 482 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke denies the allegations in Paragraph 482.

#### **COUNT VIII: ASSAULT**

483. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

484. Mr. Cooke states that this Count was dismissed by the Court and no response is required.



485. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

486. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

487. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

488. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

489. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

490. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

491. Mr. Cooke states that this Count was dismissed by the Court and no response is required.

**COUNT IX: VIOLATION OF TITLE II, CH. 12, § 11i**

492. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

493. The allegations in Paragraph 493 call for a legal conclusion to which no response is required.

494. The allegations in Paragraph 494 call for a legal conclusion to which no response is required.

495. The allegations in Paragraph 495 call for a legal conclusion to which no response is required.

496. The allegations in Paragraph 496 call for a legal conclusion to which no response is required.

497. The allegations in Paragraph 497 call for a legal conclusion to which no response is required.

498. The allegations in Paragraph 498 call for a legal conclusion to which no response is required.

#### **COUNT X: DEFAMATION**

499. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

500. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 500 of the Amended Complaint.

501. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 501 of the Amended Complaint.

502. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 502 of the Amended Complaint.

503. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 503 of the Amended Complaint.

504. The allegations in Paragraph 504 call for a legal conclusion to which no response is required.

505. The allegations in Paragraph 505 call for a legal conclusion to which no response is required.

506. The allegations in Paragraph 506 call for a legal conclusion to which no response is required.

507. The allegations in Paragraph 507 call for a legal conclusion to which no response is required.

508. The allegations in Paragraph 508 call for a legal conclusion to which no response is required.

509. The allegations in Paragraph 509 call for a legal conclusion to which no response is required.

510. The allegations in Paragraph 510 call for a legal conclusion to which no response is required.

511. The allegations in Paragraph 511 call for a legal conclusion to which no response is required.

512. The allegations in Paragraph 512 call for a legal conclusion to which no response is required.

513. The allegations in Paragraph 513 call for a legal conclusion to which no response is required.

514. The allegations in Paragraph 514 call for a legal conclusion to which no response is required.

515. The allegations in Paragraph 515 call for a legal conclusion to which no response is required.

516. The allegations in Paragraph 516 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke denies the allegations in Paragraph 516.

517. The allegations in Paragraph 517 call for a legal conclusion to which no response is required.

518. The allegations in Paragraph 518 call for a legal conclusion to which no response is required.

519. The allegations in allegations in Paragraph 519 call for a legal conclusion to which no response is required.

520. The allegations in Paragraph 520 call for a legal conclusion to which no response is required.

521. The allegations in Paragraph 521 call for a legal conclusion to which no response is required.

522. The allegations in Paragraph 522 call for a legal conclusion to which no response is required.

#### **COUNT XI: TRESPASS**

523. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

524. The allegations in Paragraph 524 call for a legal conclusion to which no response is required.

525. The allegations in Paragraph 525 call for a legal conclusion to which no response is required.

526. The allegations in Paragraph 526 call for a legal conclusion to which no response is required.

527. The allegations in Paragraph 527 call for a legal conclusion to which no response is required.

528. The allegations in Paragraph 528 call for a legal conclusion to which no response is required.

529. The allegations in Paragraph 529 call for a legal conclusion to which no response is required.

530. The allegations in Paragraph 530 call for a legal conclusion to which no response is required.

531. The allegations in Paragraph 531 call for a legal conclusion to which no response is required.

#### **COUNT XII: FALSE IMPRISONMENT**

532. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

533. The allegations in Paragraph 533 call for a legal conclusion to which no response is required.

534. The allegations in Paragraph 534 call for a legal conclusion to which no response is required.

535. The allegations in Paragraph 535 call for a legal conclusion to which no response is required. Further answering, Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 535 of the Amended Complaint.

536. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 536 of the Amended Complaint.

537. The allegations in Paragraph 537 call for a legal conclusion to which no response is required.

538. The allegations in Paragraph 538 call for a legal conclusion to which no response is required.

539. The allegations in Paragraph 539 call for a legal conclusion to which no response is required.

540. The allegations in Paragraph 540 call for a legal conclusion to which no response is required.

541. The allegations in Paragraph 541 call for a legal conclusion to which no response is required.

542. The allegations in Paragraph 542 call for a legal conclusion to which no response is required.

543. The allegations in Paragraph 543 call for a legal conclusion to which no response is required.

544. The allegations in Paragraph 544 call for a legal conclusion to which no response is required.

### **COUNT XIII: CIVIL CONSPIRACY**

545. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

546. The allegations in Paragraph 546 call for a legal conclusion to which no response is required.

547. The allegations in Paragraph 547 call for a legal conclusion to which no response is required.

548. The allegations in Paragraph 548 call for a legal conclusion to which no response is required.

549. The allegations in Paragraph 549 call for a legal conclusion to which no response is required.

550. The allegations in Paragraph 550 call for a legal conclusion to which no response is required.

551. The allegations in Paragraph 551 call for a legal conclusion to which no response is required.

552. The allegations in Paragraph 552 call for a legal conclusion to which no response is required.

553. The allegations in Paragraph 553 call for a legal conclusion to which no response is required.

554. The allegations in Paragraph 554 call for a legal conclusion to which no response is required.

555. The allegations in Paragraph 555 call for a legal conclusion to which no response is required.

#### **COUNT XIV: RATIFICATION**

556. Mr. Cooke repeats his responses contained in the above paragraphs as if fully set forth herein.

557. Mr. Cooke admits he was an employee of eBay. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 557 of the Amended Complaint.

558. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 558 of the Amended Complaint. Further answering, the allegations in Paragraph 558 call for a legal conclusion to which no response is required.

559. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 559 of the Amended Complaint. Further answering, the allegations in Paragraph 559 call for a legal conclusion to which no response is required.

560. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 560 of the Amended Complaint.

561. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 561 of the Amended Complaint.

562. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 562 of the Amended Complaint.

563. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 563 of the Amended Complaint. Further answering, the allegations in Paragraph 563 call for a legal conclusion to which no response is required.

564. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 564 of the Amended Complaint.

565. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 565 of the Amended Complaint.

566. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 566 of the Amended Complaint.

567. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 567 of the Amended Complaint.

568. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 568 of the Amended Complaint.



569. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 569 of the Amended Complaint.

570. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 570 of the Amended Complaint.

571. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 571 of the Amended Complaint.

572. Mr. Cooke lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 572 of the Amended Complaint.

#### **DEMAND FOR A JURY TRIAL**

Mr. Cooke demands a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Mr. Cooke respectfully requests that the Court deny the relief requested by Plaintiffs, dismiss the Amended Complaint, and award Mr. Cooke his costs and attorneys' fees and any other relief the Court deems appropriate.

#### **AFFIRMATIVE DEFENSES**

In further answer to the Amended Complaint, Mr. Cooke states that Plaintiffs' claims are barred in whole or in part by the following defenses. Mr. Cooke has not knowingly or intentionally waived any applicable affirmative or other defenses. Mr. Cooke reserves the right to amend its Answer and/or assert and rely upon additional defenses if and when appropriate.

#### **FIRST AFFIRMATIVE DEFENSE**

The Amended Complaint fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

At all relevant times alleged in the Amended Complaint, Mr. Cooke was acting at the direction of his superiors at eBay, Inc. and within the scope of his employment at eBay, Inc.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs are estopped from maintaining each of the purported causes of action set forth in the Amended Complaint by the doctrines of waiver, release, laches, and/or estoppel.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because any damages Plaintiffs may have suffered were not actually or proximately caused by any act(s) or omission(s) on the part of Mr. Cooke.

**FIFTH AFFIRMATIVE DEFENSE**

The damages claimed by Plaintiffs are barred to the extent they are speculative in nature.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff is not entitled to any liquidated, punitive, treble, or compensatory damages, or costs or attorneys' fees.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs failed to mitigate or avoid any damages that they may have suffered.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs have suffered no damages as a result of any act(s) or omission(s) on the part of Mr. Cooke.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are bared, in whole or in part, because Plaintiffs cannot establish a basis for liability against Mr. Cooke.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiffs' damages, if any, are barred to the extent they were caused by third parties and/or acts of others.

**ELEVENTH AFFIRMATIVE DEFENSE**

Mr. Cooke avails himself of and adopts other defenses raised by any other defendants if any when appropriate.

**RESERVATION OF RIGHTS**

Mr. Cooke has not completed his investigation and discovery regarding the Amended Complaint and the claims asserted by Plaintiffs. Accordingly, to the extent Mr. Cooke has not asserted certain defenses, he reserves the right to amend his Answer to assert additional defenses which may become available or apparent during the course of discovery.

Dated: January 12, 2024

Respectfully submitted,

**PHILIP COOKE**

By his attorney,

/s/ Christina N. Lindberg  
Christina N. Lindberg, BBO No. 690443  
clindberg@msdefenders.com  
MINER SIDDALL LLP  
101 Federal Street, Suite 650  
Boston, MA 02110  
Tel: (617) 202-5890

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed through the ECF system on January 12, 2024, and will be sent electronically to the registered participants on the Notice of Electronic Filing and paper copies will be sent to any non-registered participants.

Christina N. Lindberg  
Christina N. Lindberg